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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/13/2001

John Border

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05/31/2006

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Patent Docket Administration
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EXAMINER

HOFFMAN, BRANDON S

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,215

Applicant(s)

BORDER ET AL.

Examiner

Brandon S. Hoffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-19, 21-25, 29-39, 43-53 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-19, 21-25, 29-39, 43-53 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-10, 14-19, 21-25, 29-39, 43-53, and 57 are pending in this action.
2. Applicant's arguments, filed March 13, 2006, have been considered and are persuasive. However, a new ground of rejection has been made.

Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-10, 15-19, 21-25, 30-39, and 44-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al. (U.S. Patent No. 5,577,105) in view of Schroeder et al. (U.S. Patent No. 6,327,626), and further in view of Baras et al. ("Fast Asymmetric Internet Over Wireless Satellite-Terrestrial Networks," November 3, 1997).

Regarding claims 1, 15, 30, and 44, Baum et al. teaches a method/system/apparatus/computer-readable medium for routing information in a communication system that includes a platform and a spoofing apparatus (fig. 1 and fig. 2) configured to perform a plurality of performance enhancing functions over connections established within the communication system, the method comprising:

- Receiving the information from the platform (fig. 1, ref. num 51);

- Receiving one or more spoofing parameters and a spoofing selection parameter for specifying a rule for applying the spoofing parameters (col. 5, lines 1-23 and col. 31, lines 51-57),
- Wherein the spoofing parameters include information for specifying whether spoofing is enabled for a selected one of the connections and priority information specifying priority treatment of the selected connection (col. 5, lines 1-38),
- Wherein the spoofing apparatus maintains a profile that contains the spoofing selection parameter and the spoofing parameters (col. 4, lines 44-67 and col. 6, lines 7-15 and col. 26, lines 32-50), and
- Routing the information in accordance with the profile (col. 26, lines 41-50).

Baum et al. does not teach the profile including a maximum segment size or compensating for maximum segment size mismatch between the selected connection and a connection to an end host by dynamically resizing, based on the profile, data segments which comprise the information before forwarding the data segments to the end host.

Schroeder et al. teaches the profile including a maximum segment size (col. 1, lines 23-37); and compensating for maximum segment size mismatch between the selected connection and a connection to an end host by dynamically resizing, based on the profile, data segments which comprise the information before forwarding the data segments to the end host (fig. 2-4).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine compensating for maximum segment size mismatch, as taught by Schroeder et al., with the method/system/apparatus/computer-readable medium of Baum et al. It would have been obvious for such modifications because compensating for maximum segment size mismatch allows the sending device to not have to worry about fragmentation of data segments, which lead to delayed sending speeds (see abstract and col. 1, lines 38-45 of Schroeder et al.).

The combination of Baum et al. in view of Schroeder et al. does not specifically teach the embodiment as claimed, i.e., a spoofing apparatus with spoofing parameters.

Baras et al. teaches the use of a spoofing apparatus with spoofing parameters (page 375, 'TCP Spoofer Kernel').

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine using a spoofing apparatus with spoofing parameters, as taught by Baras et al., with the method/system/apparatus/computer-readable medium of Baum et al./Schroeder et al. It would have been obvious for such modifications because spoofing reduces bandwidth consumption and provides an enhanced network experience.

Regarding claims 2, 16, 31, and 45, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches further comprising determining a path that the information takes to reach its destination based on the profile (see page 376, first full paragraph, 'TCP port numbers are used to select the path' of Baras et al.).

Regarding claims 3, 17, 32, and 46, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches further comprising determining the path by applying spoofing rules (see abstract of Baum et al.).

Regarding claims 4, 18, 33, and 47, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches wherein the path is determined based on connection control blocks (see page 375, Data Structures, 'Connection Control Block' of Baras et al.).

Regarding claims 5, 19, 34, and 48, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches wherein connection control blocks are allocated using a hash function (see page 375, Data Structures, 'CBC Hash Table' of Baras et al.).

Regarding claims 6, 21, 35, and 49, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches wherein connection control blocks are allocated

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using a mapping table (see page 375, Data Structures, 'tables used for CCB' of Baras et al.).

Regarding claims 7, 22, 36, and 50, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches wherein the spoofing rules are mapped to the profile (see abstract and col. 4, lines 44-67 of Baum et al.).

Regarding claims 8, 23, 37, and 51, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches further comprising receiving the at least one of spoofing selection parameters and spoofing parameters as a data structure from the platform (see page 375, 'Data Structures' of Baras et al.).

Regarding claims 9, 24, 38, and 52, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches further comprising receiving at least one of spoofing selection parameters and spoofing parameters from the platform at startup or when the platform receives updated spoofing selection or spoofing parameters (see page 375, 'Data Structures' of Baras et al., a CCB is created for each new connection).

Regarding claims 10, 25, 39, and 53, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches further comprising applying multiple spoofing rules using boolean operators (see col. 27, line 45 through col. 28, line 43 of Baum et al.).

Regarding claims 14, 29, 43, and 57, the combination of Baum et al. in view of Schroeder et al./Baras et al. teaches wherein the profile further includes a parameter for disabling three-way handshake spoofing (see col. 1, line 61 through col. 2, line 19 and col. 4, lines 27-43 of Baum).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brandon Hoffman

BH

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